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SUBJECT: GoSS Minister on Census, Elections, Darfur and Chad, and
Governance in the South

REF: Khartoum 262

¶1. (SBU) Summary: Juba CG Christopher Datta met with Government of South Sudan (GoSS) Minister of Legal Affairs and Constitutional Development Michael Makuei Lueth on February 27 to discuss Makuei's involvement on the NCP/SPLM Executive Committee of the CPA and on the state of the Southern Sudan Legislative Assembly (SSLA). Both are in trouble according to Makuei's analysis. END SUMMARY.

"If there is no census, so be it."

¶2. (SBU) CG Datta began the meeting by asking the Minister about his impressions on the latest round of NCP/SPLM Executive Committee talks in Khartoum. Makuei responded that the work is not going well. The NCP, he said, has no interest in or will to solve the outstanding problems faced by the committee, and uses it strictly as a PR platform with no outcomes wanted or planned. As far as the census goes, the GoSS, he said, is very unhappy with the forms that were printed because they do not contain questions of critical importance on religion and ethnicity. In fact, the SPLM will insist on the inclusion of these questions, because without them there is not much point to the census, and it will not be a major blow if it never happens. The reason the questions are so critical is that the NCP maintains that Sudan is an Arab Muslim country. They do not want these questions asked because the census will show that Sudan is certainly NOT an Arab country, and probably not even a majority Muslim nation, which will undermine the NCP and show its Arabization program to be the sham that it has always been.

Elections Important, But Referendum Vital

¶3. (SBU) In addition to the census being important but not critical, the Minister said he had severe doubts the elections in 2009 would actually take place. He did not believe the NCP was interested in holding elections and would find an excuse to delay or cancel them unless some deal favorable to it could be worked out. Again, he thought it preferable to hold the elections, but it would not be a make or break issue in the end with the GoSS. What was a make or break issue, he said, was the 2011 referendum. That, he said, could not be delayed or canceled under any circumstances. (Note: Septel reports on SPLM initiative to draft a Referendum Bill in Sudan's National Assembly. End Note.)

¶4. (SBU) CG Datta asked if it would still be necessary to hold the referendum if a Southern SPLM candidate won the Presidency in 2009, assuming that the elections actually did take place. The Minister answered that the 2011 referendum must still take place in any event, although he also said that if the SPLM won national elections he did not know how the South would vote in the referendum. However, if it did vote for separation then he would expect a Southern president of all Sudan to resign his post and return to the South. (Comment: This tracks with another GoSS official's statement to CG

Datta (reftel) that were Kiir to become President of all of Sudan in 2009, he would resign the post if the South voted for independence in 2011 and he would return South. End Comment.)

NCP to Support Another Rebel Attack in Chad

15. (SBU) The Minister next turned to the situation in Darfur and Chad. He stated flatly that the NCP was arming the rebels in Chad to mount another attempt to overthrow the government in the very near future. Taking proxy control of the GoC was essential to NCP plans to subdue the rebels in Darfur, which had to be accomplished soon so that the NCP could turn its full attention on Southern Sudan, which it had no intention of giving up in 2011. The NCP, he said, understood that it could not fight on two fronts, in both Darfur and in the South of Sudan, at the same time. It lacked the capacity. Therefore, it was looking to finish the war in the West so it could turn its full attention to taking on the South.

Weak Parliament Eroding the Constitution

16. (SBU) The Minister then gave a readout on his views of the progress of the SSLA, which on the whole is not performing well. Laws are discussed, but almost nothing gets passed and the bottleneck gets worse and worse. Many legislators do not even show up to participate, often making even getting a quorum difficult, and there is little effort made to discipline the rank and file to make them do their jobs. The result is that the Presidency is forced to issue laws by decree in order to move critically important legislation forward. This process is destructive to the division of powers envisioned in the constitution.

"The Rock of Good Government"

17. (SBU) Lastly, the Minister said that the GoSS needed to work

KHARTOUM 00000288 002 OF 002

harder to build a professional civil service. Politicians come and go, he said (Comment: We can only hope that he is right. End Comment.), but a professional civil service is the rock of good government. Without one, the bureaucracy could not function properly and it hardly mattered what laws the assembly passed if they could not be properly implemented.

Comment

18. (SBU) The Minister's views on the state of the census were alarming, but his cynicism concerning the intentions of the NCP is widely shared. This is not the first time the CG has heard it said here that the NCP will try to end the conflict in Darfur one way or another in the near future, since it knows it cannot fight a war on two fronts and it never intends to let the South go peacefully.

FERNANDEZ